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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,751	12/30/2000	Alan Rudnick	38021.010000	9595
54353	7590	05/25/2006	EXAMINER	
MANUEL VALCACEL c/o GREENBERG TRAURIG, P.A. 1221 BRICKELL AVENUE MIAMI, FL 33131			KRISCIUNAS, LINDA MARY	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,751

Applicant(s)

RUDNICK, ALAN

Examiner

Linda Krisciunas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a Non-Final Office Action in response to the amendments filed April 14, 2006. Claims 1-3 and 5-7 are pending.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 14, 2006 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Giovannoli (US 5,842,178).

As per claims 1, 3 and 7, Giovannoli teaches a system for buyers and sellers of goods/services to engage in commerce (column 2, lines 39-45, where the system consists of a network that can be operated over the internet which allows communication between buyers and sellers for goods/services) comprising a processing unit, system software for controlling the processing unit, storage means containing one

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or more databases with information regarding buyers and sellers and the goods/services available (column 2, lines 56-66, where the system includes means for storing the identification of its network members (ie buyers and sellers) which constitutes a database since it stores information. It also has at least one processing unit and software for controlling the processing unit. See also Figure 4 which has a product database), one or more servers providing internet-based access and use of said system (column 2, line 44 where the internet is used with the system), means for buyers of goods/services to select between at least one sales channel for buyers to purchase goods/services interacting directly with said sellers and at least one sales channel for buyers to purchase goods/services without direct interaction with the sellers via an intermediary that acquires the goods/services from the sellers and resells to buyers (column 3, lines 2-8, where the system can directly send communications from sellers to buyers or indirectly by using the computerized quotation system. See also column 5, lines 44-54, where the software can contact the quotation system over the internet via FTP and RFQ data could be e-mailed directly to the buyer which would constitute a direct channel or as noted in column 6, lines 9-12, the quotes are provided to the buyers by means of the quotation system which would constitute an indirect channel.), means for buyers to transmit a request for quote to the system (column 2, line 41 where the system processes requests for quotation, which would come from the buyer), means for system to transmit request for quote to sellers (See Figure 2a where the system receives the request for quote from the buyer and then the quotation system processes it by sending it to the sellers that meet the filter criteria), means for sellers to

transmit quotes to buyers in response to requests for same (See Figure 2a and 2b, where the sellers then respond to the request for quote by providing pricing and other information to the quotation system which is sent to the respective buyer that submitted the request).

As per claims 2 and 5, Giovannoli teaches means for buyers to purchase goods/services by linking directly to seller ordering systems (column 8, lines 45-52, where the software would contact the vendor's product database and retrieve pricing and other information to respond to the RFQ. The quotation system provides the linking means from the buyer to the seller's system.).

As per claim 6, Giovannoli teaches selecting appropriate sellers to receive requests for quote based on filter conditions provided by buyers or sellers (See column 2, lines 65-67 and column 3, lines 1-2, where the system has filters which control which vendors receive the requests for quote as set by the buyer or seller. See also Figure 2a where the system receives the request for quote from the buyer and then the quotation system processes it by sending it to the sellers that meet the filter criteria).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art also teaches about buyer/seller systems:

Giovannoli (US 5,842,178), Giovannoli (US 5,758,328), Ben-Meir et al (US 2003/0014326), Singh (US 2001/0047311), Fertik et al (US 2001/0032163), Hartman et al (US 5,960,411), Ashby (US 2001/0047329), Gillman (US 2002/0147674), Ross et al (US 6,993,572), Weber (US 5,889,863) and "Exploring Alternatives-A Growing Number

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of Sites Offer a Variety of Services, Ranging from Online Auctions to Detailed Catalogs to Comparative Technical Data", Electronic Buyers News, 1999, n1168.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Krisciunas whose telephone number is 571-272-6931. The examiner can normally be reached on Monday through Friday, 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LMK
LMK
May 18, 2006

Susanna Diaz
SUSANNA M. DIAZ
PRIMARY EXAMINER
AU 3623